



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JLP:dj

Docket No: 905-00

6 March 2000

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments

(2) Series of Documents

(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show advancement to paygrade E4 and reenlistment under the STAR Program with SRB entitlement for the BM rating NEC 5320.

2. The Board, consisting of Messrs. Dunn, Pfeiffer, and Ms. Gilbert, reviewed Petitioner's allegations of error and injustice on 8 February 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.


RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show advancement to paygrade BM3/E4 effective 16 June 1999 and further corrected to show that he was discharged on 24 June 1999 and reenlisted on 25 June 1999 for a period of four (4) years (the 14 month agreement to remain on active duty which became operative on or about 1 September 1999 is to be made void. The record is to be further corrected to show that the reenlistment of 25 June 1999 is under the provisions of the STAR Program with SRB entitlement for the BM rating NEC 5320 award level 4.5 Zone "A". Any excess leave generated by the 14 month extension which has been made void is to be adjusted accordingly.

a. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



G. L. ADAMS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

6 March 2000



W. DEAN PFEIFFER
Executive Director